

Atty. Docket No. YOR920030447US1
(590.112)

REMARKS

Applicants and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner. The Office is respectfully requested to reconsider the rejections presented in the outstanding Office Action in light of the following remarks.

Claims 1-21 were pending in the instant application at the time of the outstanding Office Action. Of these claims, claims 1, 11, and 21 are independent claims; the remaining claims are dependent claims. Claims 1, 11, and 21 have been rewritten. The Applicants, however, intend no change in the scope of the claims by the changes made by this amendment. It should be noted this amendment is not in acquiescence of the Office's position on the allowability of the claims, but merely to expedite prosecution.

Claims 1, 3, 11, and 13 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. Specifically, claims 1 and 11 stand rejected because the Examiner asserts that there is no disclosure directed towards "obtaining information associated with the system". As can be understood by the specification and the claims, however, the system in context is the entire multi-modal distributed system of the instant invention. In this system, information such as user preferences, history, and so forth is maintained. It is made quite clear in the specification that this type of information is utilized by the instant invention. Figure 2 maintains a depiction of the system and the disclosure concerning that figure lays out what information is associated with the system. Consequently, the limitation of obtaining

Atty. Docket No. YOR920030447US1
(590.112)

information associated with the system finds ample disclosure in the application as filed. Claims 3 and 13 also find ample disclosure in the application as filed. The first paragraph on page 10 illustrates how information regarding the capabilities of the devices are obtained and utilized. Thus, reconsideration and withdrawal of these rejections is respectfully requested.

Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Spreisterbach. Claims 11-15 stand rejected under 35 U.S.C. 102(b) as being anticipated by Rankin et al. (hereinafter "Rankin"). Claim 16 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Rankin in view of Lenchik. Spreisterbach, as well as Rankin, and Lenchik, are directed towards a location context-aware mobile system. There is no suggestion or teaching in any of these references of utilizing more than one mode of operation. For example, the instant invention could display images on a resource different to that utilized to request the image. The instant resource configures the resource to provide the most appropriate mode of interaction for the user of the resource, as shown in the above example. None of the applied references are able to provide such a mode of interaction, or even provide more than one mode of interaction. Thus, none of the applied references, either alone, or in combination, meet the limitations of the independent claims. Specifically, neither Spreisterbach, Rankin, nor Lenchik teach or suggestion a system which configures a resource wherein the resource is configured to provide the most appropriate mode of interaction for a user of the system.

For these reasons alone, anticipation is improper because, at the very least, "[a]nticipation requires the disclosure in a single prior art reference of each element of the

Atty. Docket No. YOR920030447US1
(590.112)

claim under construction." W.L. Gore & Associates, Inc. v. Garlock, 721 F.2d 1540, 1554 (Fed. Cir. 1983); see also In re Marshall, 198 U.S.P.Q. 344, 346 (C.C.P.A. 1978). Thus, reconsideration and withdrawal of this rejection is respectfully considered.

In view of the foregoing, it is respectfully submitted that independent claims 1, 11, and 21 fully distinguish over the applied art and are thus are in condition for allowance. By virtue of dependence from what are believed to be allowable independent claims, it is respectfully submitted that claims 2-10 and 12-20 are also presently allowable.

The "prior art made of record" has been reviewed. Applicants acknowledge that such prior art was not deemed by the Office to be sufficiently relevant as to have been applied against the claims of the instant application. To the extent that the Office may apply such prior art against the claims in the future, Applicants will be fully prepared to respond thereto.

/

/

/

/

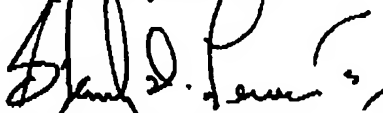
/

/

Atty. Docket No. YOR920030447US1
(590.112)

In summary, it is respectfully submitted that the instant application, including claims 1-21, is presently in condition for allowance. Notice to the effect is earnestly solicited. If there are any further issues in this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Stanley D. Ference III
Registration No. 33,879

Customer No. 35195
FERENCE & ASSOCIATES
409 Broad Street
Pittsburgh, Pennsylvania 15143
(412) 741-8400
(412) 741-9292 - Facsimile

Attorneys for Applicants